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March 9, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains pursuits of County positions on five bills relating to: 1) the Wraparound Services Program for foster youth; 2) presumption of eligibility to workers' compensation for public safety officers who have job-related cancer up to 15 years after termination of County service; 3) foster youth identity theft; 4) Independent Living Program services for former foster youth; and 5) amendments to the Revenue and Taxation Code to allow for the cancelation of outstanding property taxes, penalties, and interests under specified circumstances.

Pursuit of County Position on Legislation

AB 1758 (Ammiano), as introduced on February 8, 2010, would remove the designation of the Wraparound Services Program as a pilot project and would authorize all counties to provide comprehensive services to allow children to remain in a family setting in lieu of placement in a group home.

AB 1808 (Chapter 75, Statutes of 2006) established a three-year pilot project, which authorized participating counties to provide intensive wraparound services to enhance adoptions of foster children nine years of age and older who were in foster care at least 18 months and who reside in group homes or with non-relative providers. The pilot counties included San Francisco, Alameda, Kern, and Los Angeles.

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AB 1758 would authorize all counties to provide service alternatives to group home placement by expanding family-based services to foster youth living with a parent, relative, non-related extended family member, adoptive parent, licensed or certified foster parent, or guardian. This measure also would extend Medi-Cal eligibility with no share-of-cost to children receiving wraparound services.

According to the Department of Children and Family Services (DCFS), AB 1758 would allow families across the State to access wraparound services enabling them to care for children in their own homes. DCFS and this office support AB 1758. Therefore, consistent with existing Board policy to support proposals that reduce the use of out-of-home placement because the best interests of children are served when they can safely remain with their parents or guardians, **the Sacramento advocates will support AB 1758.**

AB 1758 is scheduled for a hearing in the Assembly Human Services Committee on March 23, 2010. Currently, there is no registered support or opposition on file for this measure.

AB 2253 (Coto), as introduced on February 18, 2010, would extend the period after termination of employment that a retired public safety officer could file a workers' compensation claim for cancer and be entitled to a legal presumption that the cancer is job-related. Existing law caps the presumption period at five years, and AB 2253 proposes to extend this cap to 15 years after termination of county service.

Under current law, employers are required to provide or pay for all reasonable costs of medical treatment, disability indemnity, and death benefits for work-related injuries. For public safety officers, a work-related injury includes cancer that develops or manifests itself during a period of service when the employee demonstrates he or she was exposed to a known carcinogen during that service. Existing law also establishes a legal presumption that the cancer in these cases is presumed to be work-related, even if the cancer is not known or diagnosed until after employment has ended, unless controverted by other evidence.

The Chief Executive Office Risk Management indicates that this measure would increase the cost and scope of the County's future workers' compensation liability, and because current retirement benefits for public safety employees already include provisions for survivor benefits and medical insurance for long-term employees, this expansion of workers' compensation benefits does not seem reasonable or necessary. In addition, AB 2253 would create an unreasonably long period of unknown liability, which may increase costs to the County by more than $1 million annually.

AB 2253 is similar to County-opposed AB 128 (Coto), which failed to move out of the Assembly Appropriations Committee last year. Therefore, consistent with Board policy to oppose legislation that expands existing or creates new presumptions related to injuries, illnesses, diseases, or physical conditions that can be claimed as job-related for workers' compensation or service connected disability retirement, **the Sacramento advocates will oppose AB 2253.**

AB 2253 is awaiting assignment to a policy committee. Currently, there is no registered support or opposition on file for this measure.

AB 2698 (Block), as introduced on February 19, 2010, would authorize county welfare departments or the California Department of Social Services (CDSS) to release information to credit agencies on behalf of foster youth who may be victims of suspected identity theft.

Under current law, county welfare departments are required to request a credit report on behalf of foster youth reaching 16 years of age. If the report indicates that some form of identity theft may have occurred, county welfare departments are required to refer the foster youth to an agency that provides services to victims of identity theft.

AB 2698 proposes to strengthen the procedures for requesting credit reports and handling suspected identity theft of foster youth as follows:

- Authorize county welfare departments or CDSS to request a credit report from three national credit reporting agencies in the year that a foster youth reaches 16 years of age;

- Authorize county welfare departments or CDSS, acting on behalf of the foster youth, to refer matters of suspected identity theft to an authorized governmental agency, such as consumer affairs, or a nonprofit organization that provides information and assistance to victims of identity theft;

- Authorize the agency or nonprofit organization to take remedial action on behalf of the foster youth to clear his or her credit record and to report the results of the action to the referring county or CDSS; and

- Require the State Office of Privacy Protection, in consultation with CDSS, the County Welfare Directors Association, consumer credit reporting agencies, and other relevant stakeholders to develop a list of agencies and organizations to which the matter may be referred for assistance in responding to suspected identity theft.

The Department of Children and Family Services indicates that counties face many challenges when they attempt to obtain credit report clearances for minor dependents. This measure would improve existing foster youth identity theft laws and will help protect nearly 5,600 foster youth, ages 16 and over, in Los Angeles County who may be victims of identity theft. DCFS and this office support AB 2698. Therefore, consistent with existing Board policy to support proposals to secure credit reports for foster youth, **the Sacramento advocates will support AB 2698.**

AB 2698 is similar to County-supported AB 1324 (Bass), which the Governor vetoed on October 11, 2009. This bill is awaiting assignment to a policy committee. Currently, there is no registered support or opposition on file for this measure.

SB 654 (Leno), as amended on January 5, 2010, would expand eligibility for the Independent Living Program (ILP) to former foster youth placed with a non-relative legal guardian, whose guardianship was ordered on or after the child's eighth birthday.

The Independent Living Program provides training, services and programs to assist current and former foster youth achieve self-sufficiency prior to and after leaving the foster care system. Under current law, youth up to 21 years of age are eligible to ILP if one of the following conditions is met: 1) the youth was in foster care at any time from their 16th to their 19th birthday; or 2) the youth is/was between 16 and 18 years of age and participating in the Kinship Guardianship Assistance Program.

SB 654 would expand ILP eligibility to former foster youth placed with a non-relative guardian on or after the child's eighth birthday. DCFS indicates that this would increase access to ILP services and provide resources to help more children transition from dependency to adulthood. DCFS and this office support SB 654. Therefore, consistent with existing Board policy to support legislation and funding to facilitate successful emancipation, promote self-sufficiency and improve opportunities for youth aging out of foster care, **the Sacramento advocates will support SB 654.**

SB 654 passed the Senate Floor by a vote of 23 to 12 on January 28, 2010. The measure is awaiting a hearing in the Assembly Human Services Committee.

The bill is sponsored by the County Welfare Directors Association and the Children's Law Center of Los Angeles. It is supported by the California Alliance of Children and Family Services, California Coalition for Youth, California State Association of Counties, California Communities United Institute, County of Butte Department of Employment and Social Services, County of Humboldt Health and Human Services Department, County of Monterey, Merced County Human Service Agency, Regional Council of Rural Counties, San Luis Obispo County Department of Social Services, and Sonoma County Human Services Department. SB 654 is opposed by the California Department of Finance.

SB 996 (Lowenthal), as introduced on February 9, 2010, would amend the Revenue and Taxation Code to require that any tax, penalty or interest that was levied upon property previously owned by the Department of Transportation, and which is solely owned by a 501(c)(3) nonprofit organization, be refunded.

According to the author's fact sheet, SB 996 would cancel the existing outstanding taxes, penalties, and interest, for the Long Beach Affordable Housing Coalition (LBAHC), a 501(c)(3) nonprofit organization. The bill is intended to affect only a specified set of properties solely owned by LBAHC and previously owned by Caltrans pursuant to a consent decree requiring housing mitigation measures relating to the construction of a freeway. Existing law provides for a welfare exemption if the properties are owned by a nonprofit organization and subject to deed restrictions that ensure long-term affordable housing.

The Treasurer and Tax Collector and Auditor-Controller indicate that refunding any past taxes would negatively affect the County as well as other taxing jurisdictions such as school districts, cities, and special districts if the properties for which the refund is proposed are located in their jurisdiction. In addition, this measure would establish an undesirable precedent, which would require financially strained entities such as school districts and local governments to return previously collected property taxes, which are needed to provide vital public services.

The Treasurer and Tax Collector, Auditor-Controller and this office oppose SB 996. Therefore, consistent with Board policies to oppose any legislation that would include adverse State actions on the County, and to oppose proposals that would negatively affect County funds, **the Sacramento advocates will oppose SB 996.**

SB 996 is currently in the Senate Revenue and Taxation Committee awaiting a hearing. There is no registered support or opposition on file.

We will continue to keep you advised.

WTF:RA
MR:IGEA:sb

c: All Department Heads
Legislative Strategist